IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.3886 OF 2006

Sunil Hanumantrao Koppal ..Applicant
Vs.
State of Maharashtra & Ors...Respondents

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Mr.Maheen Pradhan Advocate for Applicant
Mr.A.R.Patil A.P.P. for the State
Ms.Renuka Laxmeshwar Advocate for Respondent No.2

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : NOVEMBER 29, 2007

P.C.

1. Heard the learned advocate for the applicant, learned advocate for the respondent no.2-original complainant and the learned A.P.P. for the State.

2. The applicant is accused in C.R. No. 70 of 2005 of EOW, CB CID, Mumbai. The said case is under Sections 406, 408, 420, 465, 471 and 477-A read with Section 34 of IPC. The applicant-original accused no.3 has preferred an application No. 1021 of 2005 for anticipatory bail before the learned Additional Sessions Judge, Greater Bombay. By order dated 29.7.2005, the learned Addl. Sessions Judge granted anticipatory bail to the present applicant and two others on certain conditions. The present applicant was directed to

deposit Rs.3 lakhs within one week before the learned Addl. Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai. Accordingly, the applicant deposited the said amount. Thereafter, the Respondent-complainant preferred an application for cancellation of anticipatory bail before this Court. This Court by order dated 22.8.2005, cancelled the order dated 29.7.2005 passed by the learned Sessions Judge whereby anticipatory bail came to be granted to the applicant. The applicant has approached this Court for return of Rs.3 lakhs which has been deposited by him pursuant to the order of the learned Addl. Sessions Judge dated 29.7.2005.

3. The learned advocate for the complainant has submitted that the investigation was going on and they were of the opinion that custodial interrogation of the accused persons was necessary, hence, the complainant preferred an application for cancellation of anticipatory bail. She submitted that the case involves a huge amount of money i.e. about 11 crores. There are total five accused in the said case and amount of Rs.3 lakhs has been deposited by the applicant would not help the

complainant for the recovery of Rs.11 crores. Be that as it may, it is an admitted fact that the anticipatory bail came to be granted to the applicant on the present applicant depositing amount of Rs.3 lakhs. Now as the order granting anticipatory bail is not in existence and the applicant had been asked to deposit Rs.3 lakhs by the very said order, the amount of Rs.3 lakhs ought to be returned to the applicant. The complainant cannot contend that anticipatory bail should be cancelled, however, the amount deposited by the applicant for grant of anticipatory bail should remain deposited in the Court. In this view of the matter, application is allowed in terms of prayer clause (b). The Registrar of the Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai to return to the applicant/original accused no.3 the amount of Rs.3,00,000/- (Rs. three lakhs only) deposited by the applicant pursuant to the order dated 29.7.2005 passed by the Sessions Court, Mumbai in Anticipatory Bail Application No. 1021 of 2005 arising out of C.R.No. 70 of 2005 registered with E.O.W., CB CID, Mumbai.

[SMT.V.K.TAHILRAMANI, J.]